

Remarks

In Response to the Notice of Non-Compliant Amendment, Claim 3 is renumbered as Claim 20.

Claim 20 is then cancelled. All other claim numbers remain the same. Because the previous amendment was not entered, essentially the same amendments are being resubmitted with corrected claim numbering.

Applicants have cancelled claims 9-12 of Group II without prejudice due to the restriction requirement wherein Applicants chose to prosecute claims 1-8 and 13-19 of Group I. As noted above, Claim 20 (previous Claim 3) is cancelled. New claim 21 is added. Applicants have previously submitted a Petition for a One Month Extension and the appropriate fee. It is believed that no further fees are due, but Applicants hereby authorize the Patent Office to make any additional charges to Applicants' credit card as previously submitted.

The following remarks are the same as those in the previously submitted amendment:

According to the Office Action, dependent claims 7, 8, and 16 have been withdrawn from consideration as being drawn to an additional species. The Examiner indicated that if a base claim is found patentable, then Applicants would be entitled to consideration of these dependent claims. Accordingly, Applicants respectfully request that any requirement to cancel these dependent claims be held in abeyance.

Claims 1-6, 13-15, and 17-19 stand rejected under 35 U.S.C. 103(a) as being anticipated by

AAPA (Applicants admitted prior art) over the combined teachings of Audino (US 2,423, 923) and Leone (US 5,598,930). The Office Action is believed to infer that because Audino teaches a "readily bendable" screen, by providing bending lines 12 and 13 (Audino FIG. 1 and Col. 2, lines 4-21)) to thereby weaken the Audino screen at these selected bending lines, it would have been obvious to combine Audino with AAPA..

However, it is respectfully submitted that providing the weakened bending lines 12 and 13 as taught by Audino is undesirable for screens described by the AAPA. If constructed to bend as proposed by Audino, then AAPA screens will fail much earlier than otherwise. There is no benefit to the bending lines for AAPA screens. It is plainly not obvious to one of skill in the art to make a modified product which functions more poorly than the original product, as would be the result of the proposed modification. Accordingly there is no motivation to combine Audino with AAPA, as proposed.

Because there must be a motivation for one of skill in the art to make the proposed combination of AAPA and Audino in order to support a rejection under 35 U.S.C. 103(a), it is respectfully submitted that the rejection is based on the combination of AAPA and Audino is traversed.

While it is respectfully submitted that the rejection is traversed for the reasons discussed above, Applicants comment that Audino does not show the claim limitation that the planar surface is continuous along the length of the wire as per claim 13. Instead, Audino shows lines of flattened wire.

It is respectfully submitted that compressed meshes like Audino and the art cited in the related application 10/157,537 do not result in a continuous planar surface on each wire as per claim 13.

Applicants also note that, unlike claims 1 and 13, Leone teaches welding support strips to an already existing woven screen. Leone does not teach forming a support screen using two pluralities of unwoven wires which are welded together as per claims 1 and 13. Therefore, Leone plainly does not disclose all claim elements of base claim 1 and 13 as required to support a rejection under 35 U.S.C. 103(a) as discussed below, it is respectfully submitted that the rejection based on Leone is traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). See M.P.E.P. §2131.

Claims 1-6, 13-15, and 17-19 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of copending Application No. 10/157,537 in view of Audino and Leone. However, as discussed above there is no motivation or purpose to combine 10/157,537 with Audino because building weakened sections into vibratory filter screens simply predisposes them to early failure. In fact, there is no need or desire to bend the filter screens so that it would be pointless to employ Audino’s teachings even if the resulting early

failure of the screen were for some reason desirable, which it is not. Finally, Leone does not disclose forming a support screen for other meshes by welding two pluralities of unwoven screen together to form the support screen. Accordingly, because there is no prior art basis for the rejection based on 10/157,537 in view of Audino and Leone, it is respectfully submitted that the provisional rejection is traversed.

In summary, Applicants submit the rejections are traversed and earnestly request reconsideration and speedy allowance.

Respectfully submitted,



Kenneth L. Nash

Reg. No. 34,399

Date: August 23, 2004

Law Office of Kenneth L. Nash
P.O. Box 680106
Houston, TX 77268-0106
Tel: (281) 583-1024
Fax: (281) 397-6929

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence and its attachments are being facsimile transmitted to the USPTO or deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, Mail Stop Non-Fee Amendment, P. O. Box 1450, Alexandria, VA, 22313-1450, on August 23, 2004:

By: 